

## **REMARKS**

The Office Action notified on March 11, 2009, has been received and carefully considered. The above amendments and following remarks are submitted as a full and complete response thereto.

Claims 1-6 are pending in this application. Claims 1-6 are rejected. Claims 1-6 are amended. Support for the amendments may be found in the specification as originally filed. Amendments to the claims do not introduce new matter, since they contain only limitations that were already disclosed in the original application. Applicants respectfully request reconsideration and withdrawal of the rejections.

### **Claim Objections**

Claims 4-6 are objected to under 37 C.F.R. §1.75(c) as being in improper form. Claims 4-6 are amended to correct the multiple dependency thereof and to place this application into better condition for examination.

### **Claim Rejections – 35 U.S.C. §112**

Claims 1-3 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 1 is amended by deleting words or expression like “*type*”, “*or the like*”, “*in particular*” and “*or, if selected*”. Please note that the ducts are specifically stated to be selectively supplied with one of positive pressure fluid or negative pressure fluid so as to positively claim the same.

Claim 2 is amended by replacing the expression “*and/or*” with “*and*”.

Applicants believe that all the Examiner’s requirements have been fulfilled and respectfully request withdrawal of the §112 rejection of claims 1-3.

### **Claim Rejections – 35 U.S.C. §102**

Claim 1-3 have been rejected under 35 U.S.C. §102(b) as being anticipated by Giuseppe (GB 2374110, hereinafter “Giuseppe”). Applicants respectfully traverse this rejection.

Giuseppe shows a watertight door or window fitting used particularly in the sector involved with the dressing of buildings, either new constructions or pre-existing buildings subject to maintenance interventions.

The fitting described in this document comprises an outer frame (1) which is fixed to a wall around the perimeter of an opening to be sealed off. On one side of the said outer frame (1), there is a symmetrical rim similar to a frame (11), positioned so that it protrudes towards the inside of the building.

On the external side of the fitting (A1, A2), there is the mobile part or frame (2) of the fitting.

When the frame (2) is in a closed position, its edge (21) presses in correspondence with at least one seal, which has a closed, tubular chamber (5) which may be inflated. In this case, the seal (5) is positioned between the internal side of the rim (11) of the outer frame (1) and the edge (21) of the frame, in order to guarantee at least a minimum sealing effect, even if no fluid has been injected into it.

The seal (5) is connected to a reserve of compressed air (7) by a valve (6) positioned along the feed line. In one case, the reserve of compressed air (7) consists of a container located inside the outer frame (1) or in a dedicated space in the wall, so that it may be easily inspected.

When the valve (6) opens, the pressurized air held in the container (7) flows into a chamber (52) in the front portion of the seal (5). The seal (5) expands, so that it presses uniformly against the edge (21) of the frame (2).

When the barrier is no longer required, the chamber (52), by taking up its original shape, sends the air contained inside back through the valve (6), which is a two-way type, and towards the container (7).

More in detail, **Giuseppe does not disclose or show a seal formed by at least two separately expanding tubular ducts. Moreover, Giuseppe does not show a such ducts being selectively supplied with one of positive pressure fluid or negative pressure fluid to cause the duct to contract.**

The Examiner stated that "*the activation of negative pressure fluid supply causes the tubular chamber to contract*", but nowhere in Giuseppe there is any mention to the presence of a negative pressure fluid supply in the described fitting. And moreover, there no description a fitting having both a positive pressure supply and negative pressure supply to cause selectively the expansion and contraction of the ducts of the seal.

Consequently, Applicants believe that claim 1 is not anticipated by Giuseppe and respectfully request the withdrawal of the rejection since claim 1 is patentable over the available prior art.

The Applicants point out that since all the dependent claims depend now directly and indirectly upon and contain all the limitation of patentable claim 1, they are felt to be patentable too.

For at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-3 under 35 U.S.C. §102(b) over Giuseppe.

### **Conclusion**

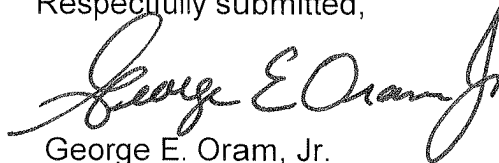
All matters having been addressed above and in view of the pending claims and remarks, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Applicants' counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 023349-00319.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George E. Oram, Jr.", written in a cursive style.

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